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### **DETAILED ACTION**

This office action is in response to the amendment filed October 15, 2008 and telephone interview of October 23, 2008. Applicant's After Final amendment of October 15, 2008 has been entered.

Claim 4 is pending.

Examiner notes: The rejection under Double Patenting is withdrawn. Applicant's terminal disclaimer of October 17, 2008 is approved.

### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Timothy Lohse on October 23, 2008.

The Specification is amended :

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On page 1, after the header "CROSS REFERENCE TO RELATED APPLICATION", please replace the two paragraphs with the following new paragraphs:

This patent application is a continuation under 35 USC 120 of U.S. Patent Application Serial No. 09/665,270 filed on September 19, 2000. This application is also related to U.S. Patent Application Serial No. 09/665,267 filed on September 19, 2000 (now US Patent No. 6,640,217) and U.S. Patent Application Serial No. 09/665,269 filed on September 19, 2000 (Now U.S. Patent No. 6,745,210).

On page 5, before the "DESCRIPTION --TERMS AND NOTATION" section, please insert the following:

#### BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 is a flowchart illustrating the request backup detail method in accordance with the invention; and

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Figure 2 is a flowchart illustrating the request backup log method in accordance with the invention.

The Claims have been amended:

1-3. (Canceled).

4. (Currently Amended) A method of representing records of data backup activity from one or more data backup products having different formats in a common format, the method comprising:

obtaining records of data backup activity from the one or more data backup products; and generating a canonical backup log containing backup job records corresponding to the records from the one or more data backup products, the canonical backup log including one or more of a date and time that a data backup operation took place, a proprietary name of the data backup client, a fully qualified host name of the data backup client, a number of bytes that were backed up, a number of files and ~~or~~ objects that were backed up, a proprietary data backup level name and ~~or~~ a default value, a canonical data backup level name and ~~or~~ a default value, a description of where the information in the data backup job record was obtained, a number of seconds that elapsed during the

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data backup operation and ~~or~~ a default value, a number of errors and ~~or~~ a default value, a data and time the data backup will expire and ~~or~~ default value, a logical target name, a media label of the storage media to which the data backup was written, and a backup job field indicating the number of backup job records in the canonical backup log.

**Allowable Subject Matter**

Claim 4 is allowed over the prior art made of record.

The following is an examiner's statement of reasons for allowance: The prior art of records do not teach the combination of claimed elements including:

“generating data backup activity products having different formats in a common format which includes data backup products, generating a canonical backup log containing backup job records, a date and time that a data backup operation took place, a proprietary name of the data backup client, a fully qualified host name of the data backup client, a number of bytes that were backed up, a number of files and objects that were backed up, a proprietary data backup level name and a default value, a canonical data backup level name and a default value, a description of where the information in the data backup job record was obtained, a number of seconds that elapsed during the data backup operation and a default value, a number of errors and a default value, a data and time the data backup will expire and default value, a logical target name, a media label of the storage media to which the data backup was written, and a backup job field indicating the number of backup job records in the canonical backup log”.

Thus, prior art of record neither render obvious nor anticipates the combination of claimed elements in light of the specification.

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After a further search and a thorough examination of the present application and in light of the prior art made of record, claims 4 is allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Other Prior Art Made of Record**

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions.

Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources.

For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chase can be reached on (571) 272-4190. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Diane Mizrahi/

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